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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,393	01/20/2004	Wu-Hong Hsieh	T-1293	3295
802	7590	06/21/2005	EXAMINER	
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			MILLS, DANIEL J	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,393	HSIEH, WU-HONG	
	Examiner	Art Unit	
	Daniel J. Mills	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1-20-2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (US 6,347,777) in view of Hodge (US 5,039,043).

As to claim 1, Webber discloses a locking device in combination with a telescopic tube assembly comprising, an outer tube (32); and an inner tube (30) slidably received in the outer tube and having multiple adjusting recesses (36) defined in an outer periphery of the inner tube; the locking device comprising a lever (48) pivotally connected to the enclosure, and a positioning rod (52) securely connected to a side of the lever to be driven by the lever and having a head (at 52) formed on a free end of the positioning rod to correspond to one of the adjusting recesses of the inner tube such that pivotal movement of the lever is able to drive the head of the positioning rod to selectively move away from the corresponding adjusting recess to allow the inner tube to move relative to the outer tube.

Webber fails to disclose an enclosure partially securely mounted on a peripheral edge of the outer tube to which the locking device is connected.

Hodge teaches an arrangement comprising an enclosure (40) partially securely mounted on a peripheral edge of the outer tube (34) and having a locking device (58) for the purpose of securely positioning and attaching the locking device to the telescopic tube assembly. Accordingly it would have been obvious to one of ordinary skill in the locking telescopic tube art at the time of applicant's invention, to modify the arrangement as disclosed by Webber to have an enclosure mounted to the edge of the outer tube, and to which the locking device mounts as taught by Hodge, for the purpose of securely attaching the locking device to the telescopic tube assembly.

As to claim 2, Webber discloses a locking device in combination with a telescopic tube assembly, wherein the locking device has a second space (into which 92 fits) defined in the enclosure to be opposite to the first space to receive therein a block (92) to engage with the inner tube;

Webber fails to disclose an abutting block to engage with the outer periphery of the inner tube; a bolt screwingly extended through the enclosure to abut an outer periphery of the abutting block to force the abutting block to engage with the outer periphery of the inner tube so as to secure position of the inner tube relative to the outer tube.

Hodge teaches an arrangement comprising an abutting block (36) to engage with the outer periphery of the inner tube (20); a bolt (42) screwingly extended through the enclosure to abut an outer periphery of the abutting block to force the abutting block to engage with the outer periphery of the inner tube so as to secure position of the inner tube relative to the outer tube, for the purpose of securely holding the inner tube in a

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position relative to the outer tube. Accordingly it would have been obvious to one of ordinary skill in the locking telescopic tube art at the time of applicant's invention, to modify the arrangement as disclosed by Webber to include an abutting block to engage with the outer periphery of the inner tube and a bolt screwingly extended through the enclosure to abut an outer periphery of the abutting block to force the abutting block to engage with the outer periphery of the inner tube so as to secure position of the inner tube relative to the outer tube to maintain the inner tube position relative to the outer tube.

As to claim 3, Webber in view of Hodge discloses a locking device in combination with a telescopic tube assembly, wherein the enclosure has a first hole (Webber 39) in communication with the first space (inside the tube) to receive therein the positioning rod (Webber 52) such that the positioning rod is able to move inside the first hole and a second hole (Hodge 56) in communication with the second space to allow an extension of the bolt into the second space (against the abutting block 36).

As to claim 8, Webber discloses a locking device in combination with a telescopic tube assembly, wherein the telescopic tube assembly comprising an outer tube (32) and an inner tube (30) slidably received in the outer tube and having multiple adjusting recesses (36) defined in an outer periphery of the inner tube; the locking device having a lever (50) pivotally connected to the enclosure (32), a first space (39) defined in a side face of the enclosure to receive the lever (52 is an extension of the lever), a second space (92) defined in the enclosure to be opposite to the first space to receive therein an abutting block (95) to engage with the outer periphery of the inner tube so as to

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secure position of the inner tube relative to the outer tube; and a positioning rod (52) securely connected to a side of the lever to be driven by the lever and having a head formed on a free end of the positioning rod (52) to correspond to one of the adjusting recesses of the inner tube such that pivotal movement of the lever is able to drive the head of the positioning rod to selectively move away from the corresponding adjusting recess to allow the inner tube to move relative to the outer tube.

Webber fails to disclose a telescopic tube assembly with an enclosure partially securely mounted on a peripheral edge of the outer tube a space defined in the enclosure to be opposite to the first space to receive therein an abutting block to engage with the outer periphery of the inner tube; a bolt screwingly extended through the enclosure to abut an outer periphery of the abutting block to force the abutting block to engage with the outer periphery of the inner tube.

Hodge teaches an arrangement comprising a telescopic tube assembly with an enclosure (40) partially securely mounted on a peripheral edge of the outer tube, a space (receiving 36) defined in the enclosure to receive therein an abutting block (36) to engage with the outer periphery of the inner tube; a bolt (42) screwingly extended through the enclosure to abut an outer periphery of the abutting block to force the abutting block to engage with the outer periphery of the inner tube so as to secure position of the inner tube relative to the outer tube. Accordingly it would have been obvious to one of ordinary skill in the locking telescopic tube art at the time of applicant's invention, to modify the arrangement disclosed by Webber to include an

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enclosure with abutting block and threaded actuator for the purpose of more positively securing the relative axial positions of the inner and outer tubes.

As to claim 9, Webber in view of Hodge discloses a locking device in combination with a telescopic tube assembly, wherein the enclosure has a first hole (Webber 39) in communication with the first space (inside the tube) to receive therein the positioning rod (Webber 52) such that the positioning rod is able to move inside the first hole and a second hole (Hodge 56) in communication with the second space to allow an extension of the bolt into the second space (against the abutting block 36).

Claims 4-5, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (US 6,347,777) in view of Hodge (US 5,039,043), and in view of Thyu (US 5,433,552).

As to claim 4, Webber in view of Hodge discloses a locking device in combination with a telescopic tube assembly as, wherein a spring (46) is mounted to provide a recoil force to the positioning rod to return the positioning rod to its original position after being driven by the lever to leave the corresponding adjusting recess.

Webber in view of Hodge fails to disclose a spring mounted around the positioning rod.

Thyu teaches an arrangement comprising a locking device in combination with a telescopic tube assembly wherein the locking device includes a spring (64) mounted around the positioning rod (65) for the purpose of maintaining the positioning rod in a default position inserted into both telescoping member thereby locking them together. Accordingly, it would have been obvious to one of ordinary skill in the locking

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telescoping tube art at the time of applicant's invention to modify the arrangement as disclosed by Webber in view of Hodge to include a spring mounted around the positioning rod as taught by Thyu for the purpose of maintaining the locking device in a default locked position (ie the positioning rod inserted into the telescoping members).

As to claim 5, Webber in view of Hodge discloses a locking device in combination with a telescopic tube assembly as, wherein a spring (46) is mounted to provide a recoil force to the positioning rod to return the positioning rod to its original position after being driven by the lever to leave the corresponding adjusting recess.

Webber in view of Hodge fails to disclose a spring mounted around the positioning rod.

Thyu teaches an arrangement comprising a locking device in combination with a telescopic tube assembly wherein the locking device includes a spring (64) mounted around the positioning rod (65) for the purpose of maintaining the positioning rod in a default position inserted into both telescoping member thereby locking them together. Accordingly, it would have been obvious to one of ordinary skill in the locking telescoping tube art at the time of applicant's invention to modify the arrangement as disclosed by Webber in view of Hodge to include a spring mounted around the positioning rod as taught by Thyu for the purpose of maintaining the locking device in a default locked position (ie the positioning rod inserted into the telescoping members).

As to claims 10-11, Webber in view of Hodge discloses a locking device in combination with a telescopic tube assembly, wherein a spring (46) is mounted to

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provide a recoil force to the positioning rod to return the positioning rod to its original position after being driven by the lever to leave the corresponding adjusting recess.

Webber in view of Hodge fails to disclose a spring mounted around the positioning rod.

Thyu teaches an arrangement comprising a locking device in combination with a telescopic tube assembly wherein the locking device includes a spring (64) mounted around the positioning rod (65) for the purpose of maintaining the positioning rod in a default position inserted into both telescoping member thereby locking them together. Accordingly, it would have been obvious to one of ordinary skill in the locking telescoping tube art at the time of applicant's invention to modify the arrangement as disclosed by Webber in view of Hodge to include a spring mounted around the positioning rod as taught by Thyu for the purpose of maintaining the locking device in a default locked position (ie the positioning rod inserted into the telescoping members).

Claims 6-7, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (US 6,347,777) in view of Hodge (US 5,039,043), in view of Thyu (US 5,433,552), and in view of Garelick (US 5,385,323).

As to claim 6, Webber in view of Hodge and Thyu discloses a locking device in combination with a telescoping tube assembly, but fails to disclose an inner guide groove formed in the inner tube and guide formed in the outer tube.

Garelick teaches a telescoping tube arrangement wherein an inner tube (14) has a guiding groove (17) defined in the outer periphery of the inner tube along a longitudinal axis and the enclosure (10) has a guide formed (16) on an inner face of the

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enclosure to be received in the guiding groove such that movement of the inner tube relative to the outer tube is smooth. Garelick teaches this is useful to ensure the inner and outer members do not rotate with respect to one another. Accordingly, it would have been obvious to one of ordinary skill in the locking telescoping tube art at the time of applicant's invention to modify the arrangement as disclosed by Webber in view of Hodge and Thyu to include a guide groove formed on the inner tube and guide formed on the outer tube as taught by Garelick to ensure no relative rotation of the tubes.

As to claim 7, Webber in view of Hodge and Thyu discloses a locking device in combination with a telescoping tube assembly, but fails to disclose an inner guide groove formed in the inner tube and guide formed in the outer tube.

Garelick teaches a telescoping tube arrangement wherein an inner tube (14) has a guiding groove (17) defined in the outer periphery of the inner tube along a longitudinal axis and the enclosure (10) has a guide formed (16) on an inner face of the enclosure to be received in the guiding groove such that movement of the inner tube relative to the outer tube is smooth. Garelick teaches this is useful to ensure the inner and outer members do not rotate with respect to one another. Accordingly, it would have been obvious to one of ordinary skill in the locking telescoping tube art at the time of applicant's invention to modify the arrangement as disclosed by Webber in view of Hodge and Thyu to include a guide groove formed on the inner tube and guide formed on the outer tube as taught by Garelick to ensure no relative rotation of the tubes.

As to claims 12-13, Webber in view of Hodge and Thyu discloses a locking device in combination with a telescoping tube assembly, but fails to disclose an inner guide groove formed in the inner tube and guide formed in the outer tube.

Garelick teaches a telescoping tube arrangement wherein an inner tube (14) has a guiding groove (17) defined in the outer periphery of the inner tube along a longitudinal axis and the enclosure (10) has a guide formed (16) on an inner face of the enclosure to be received in the guiding groove such that movement of the inner tube relative to the outer tube is smooth. Garelick teaches this is useful to ensure the inner and outer members do not rotate with respect to one another. Accordingly, it would have been obvious to one of ordinary skill in the locking telescoping tube art at the time of applicant's invention to modify the arrangement as disclosed by Webber in view of Hodge and Thyu to include a guide groove formed on the inner tube and guide formed on the outer tube as taught by Garelick to ensure no relative rotation of the tubes.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (US 6,347,777) in view of Hodge (US 5,039,043) and Chen (US 6,354,664).

As to claims 14-15, Webber in view of Hodge discloses a locking device in combination with a telescopic tube assembly, but fails to disclose a boss integrally formed on the outer periphery of the inner tube.

Chen teaches an arrangement of telescopic tubes wherein a boss (445) is integrally formed on the outer periphery of the inner tube to be engaged with a peripheral side of the outer tube to prevent excessive movement of the inner tube relative to the outer tube. Accordingly it would have been obvious to one of ordinary

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skill in the telescopic tube art at the time of applicant's invention, to modify the arrangement of Webber in view of Hodge to include a boss integrally formed on the outer periphery of the inner tube to be engaged with a peripheral side of the outer tube as taught by Chen for the purpose of preventing excessive movement of the inner tube relative to the outer tube.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (US 6,347,777) in view of Hodge (US 5,039,043), Thyu (US 5,433,552), and Chen (US 6,354,664).

As to claims 16-17, Webber in view of Hodge and Thyu discloses a locking device in combination with a telescopic tube assembly, but fails to disclose a boss integrally formed on the outer periphery of the inner tube.

Chen teaches an arrangement of telescopic tubes wherein a boss (445) is integrally formed on the outer periphery of the inner tube to be engaged with a peripheral side of the outer tube to prevent excessive movement of the inner tube relative to the outer tube. Accordingly it would have been obvious to one of ordinary skill in the telescopic tube art at the time of applicant's invention, to modify the arrangement of Webber in view of Hodge and Thyu to include a boss integrally formed on the outer periphery of the inner tube to be engaged with a peripheral side of the outer tube as taught by Chen, for the purpose of preventing excessive movement of the inner tube relative to the outer tube.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (US 6,347,777) in view of Hodge (US 5,039,043), Thyu (US 5,433,552), Garelick (US 5,385,323), and Chen (US 6,354,664).

As to claims 18-19, Webber in view of Hodge, Thyu, and Garelick discloses a locking device in combination with a telescopic tube assembly, but fails to disclose a boss integrally formed on the outer periphery of the inner tube.

Chen teaches an arrangement of telescopic tubes wherein a boss (445) is integrally formed on the outer periphery of the inner tube to be engaged with a peripheral side of the outer tube to prevent excessive movement of the inner tube relative to the outer tube. Accordingly it would have been obvious to one of ordinary skill in the telescopic tube art at the time of applicant's invention, to modify the arrangement of Webber in view of Hodge, Thyu, and Garelick to include a boss integrally formed on the outer periphery of the inner tube to be engaged with a peripheral side of the outer tube for the purpose of preventing excessive movement of the inner tube relative to the outer tube.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Metz (US 4,362,415), Cobel (US 1,217,709), Takahashi (US 4,185,936), Webber (US 6,551,226), and Wang (US 6,698,962) are cited as being examples of telescopic tubes with locking features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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6-2-2005



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